

Absent.  
 Stafford.  
 Absent—Excused.  
 Goss. Stone.  
 Morriss. Yantis.

#### FORTY-SECOND DAY.

Senate Chamber,  
 Austin, Texas, Thursday, March 9, 1899.

Senate met pursuant to adjournment.  
 President Pro Tem. Stafford in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Miller.
Burns.	Neal.
Davidson.	Odell.
Dibrell.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Kerr.	Turney.
Lewis.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.
McGee.	

Absent.  
 Johnson.  
 Absent—Excused..  
 Goss. Stone.  
 Morriss.

Prayer by the Chaplain, Rev. Dr. Den-son.

Pending the reading of the Journal of yesterday,

On motion of Senator Kerr, the same was dispensed with.

#### CORRECTION.

MR. PRESIDENT: Yesterday morning's Journal, on page 398, shows that when the Senator from Jefferson offered his amendment yesterday placing the Agricultural and Mechanical College under the provisions of the State Purchasing Agency bill we voted "yea"; this is an error, as we voted "nay." We desire to have the correction made in the Journal.

WAYLAND,  
 TURNEY.

#### RESOLUTION.

By unanimous consent the following was offered

By Senator Atlee:  
 Whereas, The Honorable Guadalupe Mainero, Governor of the State of Ta-  
 27—Senate

maulipas, is now visiting our Capital City, therefore be it

Resolved, That the distinguished gentleman be invited to honor the Senate of Texas with his presence during their deliberations.

On motion of Senator Turney, the resolution was unanimously adopted.

#### INVITATION.

At the direction of the Chair, the following was read:

THE UNIVERSITY OF TEXAS.

Austin, Texas, March 9, 1899.

Hon. J. N. Browning, Lieutenant-Governor of Texas.

SIR: Will you please invite the honorable Senate of Texas to be present in the University Auditorium at 11 o'clock this morning on the occasion of an address before the students of the University by the Hon. Wm. J. Bryan.

I have the honor to be very respectfully,

Your obedient servant,  
 GEO. T. WINSTON,  
 President.

#### COMMITTEE REPORTS.

Committee Room,  
 Austin, Texas, March 8, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Federal Relations, to whom was referred

Senate bill No. 232, being a bill to be entitled "An Act to appropriate the sum of forty-five thousand dollars for the purpose of repaying and restoring to the United States Government an excess of money that was, under mistake, paid to the State of Texas in the payment of a balance due this State under an act of Congress, approved February 28th, 1855,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ROSS, Chairman.

Committee Room,  
 Austin, Texas, March 7, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 172, being a bill to be entitled "An Act to create the office of State Purchasing Agent for the various eleemosynary institutions of the State of Texas, to define his duties, term of office, mode of qualification and compensation, to abolish the office or position

of steward, quartermaster or other similar position in said institutions, to require all supplies to be purchased by said agent under competitive bids or contracts, to provide for the appointment of storekeepers or accountants in said institutions and define the duties thereof, to make an appropriation for the salary of said purchasing agent, to provide for the appointment of two clerks for said purchasing agent and to make appropriation for their salaries,"

And find the same correctly engrossed.

JAMES, Chairman.

#### BILLS AND RESOLUTIONS.

By Senator Turney:

Senate bill No. 235, A bill to be entitled "An Act to amend Section 36 of the Acts of the Twenty-first Legislature of 1889, page 57, of the Special Laws of said Legislature, granting a charter to the city of El Paso, etc."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Turney:

Senate bill No. 236, A bill to be entitled "An Act to validate and quiet titles to public free school, university, and asylum lands sold prior to January 1, 1899, to provide for patents, and to prescribe limitation for bringing suits for the recovery of such land."

Read first time, and referred to the Committee on Public Lands and Land Office.

By Senator Odell:

Senate bill No. 237, A bill to be entitled "An Act on the subject of and relating to railroad crossings, and repealing all laws in conflict therewith."

Read first time, and referred to the Committee on Internal Improvements.

By Senator Yett:

Senate Concurrent Resolution No. 13:

Whereas, The Superintendent of Public Buildings and Grounds has executed leases to the Austin Dam and Suburban Railway Company and the Bachman Foundry and Machine Co. of all that portion of the State's property located in Austin, Texas, known as the "Old Court House Square" for a period of five years, ending June 1, 1902, at a yearly rental of \$300, and

Whereas, The said lessees desire to make extensive improvements on said property, and will do so in case they can secure an extension of the lease period as herein provided, and

Whereas, It is to the interest of the State to extend said lease period in order to obtain a definite and lasting use of this property for a long term at an advance of \$37.00 per annum over the rental now

paid and at the same time obtain the improvement of the property which is at present in a most deplorably dilapidated condition and which is so situated as to be useful to those only who will utilize it for foundry and machine shops and other works of this kind; now, therefore be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, that the Superintendent of Public Buildings and Grounds be and is hereby empowered and directed to cancel and amend the lease contracts now in force between the State of Texas and the above named lessees upon their surrender by said lessees for this purpose and in their stead to execute and deliver to said Austin Dam and Suburban Railway Company and Bachman Foundry and Machine Company lease contracts for the property herein named upon the terms herein stated for a period of twenty years from date.

The resolution was read, and referred to the Committee on Public Buildings and Grounds.

Call concluded.

#### IN SENATE.

The following House bills were read first time, and referred as follows:

House bill No. 441, A bill to be entitled "An Act to transfer Rains and Grimes counties from the community school system, and to authorize and empower the said counties to organize and conduct all of their free schools under the district system as provided by the laws now in force," to the Committee on Education.

Also House bill No. 386, A bill to be entitled "An Act to repeal Section 2, Chapter 153, of the Acts of the Twenty-fifth Legislature, page 219, passed May 21, 1897, entitled 'An Act to prohibit the taking of fish from the fresh water lakes and streams of this State otherwise than by the ordinary hook and line and trot line, and to prohibit the sale or shipping of game-fish in the State, and to provide penalties for the violation thereof,' to Judiciary Committee No. 2.

Also Substitute House bill No. 523, A bill to be entitled "An Act to provide for drains, ditches and water courses, for the improvement and enlargement of natural drainage of the several counties within the State of Texas," with amendments, to the Committee on Mining and Irrigation.

#### PENDING BUSINESS.

The Senate, on adjournment Tuesday last, had under consideration,

Senate bill No. 213, A bill to be entitled

"An Act to appropriate the sum of two thousand dollars, or so much thereof as may be necessary, for the payment of the bonds, certificates and other evidences of indebtedness against the Republic of Texas that were valid claims or might have been, upon proper presentation and proof, valid claims against the United States government under the Act of Congress, approved February 28, 1855, and an Act of the Legislature of the State of Texas, approved February 1, 1856, and to provide for the proof and verification of the same."

Action being on the following amendments:

By Senator Greer:

"Amend the caption, line 6, page 1, by striking out the words 'two thousand' and insert in lieu thereof 'twenty-five hundred,' and amend further, line 14, page 1, by striking out 'two thousand' where it occurs and insert 'two thousand five hundred,' and strike out the figures '\$2000.00,' same line, and insert in lieu thereof '\$2500.00.'"

By Senator Odell:

Substitute the amendment as follows:

"Amend by striking out '\$2000,' where it occurs in Section 1, line 14, and inserting '\$56,113.27,' and by striking out '\$2000' in line 6, page 1, and inserting in lieu thereof '\$56,113.27.'"

Pending action,

On motion of Senator Sebastian, the pending business was suspended to take up, on second reading,

Senate bill No. 192, A bill to be entitled "An Act to provide and equip certain eleemosynary institutions of the State with an efficient and permanent system of fire escapes, authorizing the purchase of such fire escapes by the board of managers of the institutions herein named, with the approval of the Governor of the State, and making an appropriation therefor."

The bill was read (in full at the request of Senator Turney) a second time.

By Senator Hanger:

"Amend by adding after the word 'end,' in line 30, on page 1, the words 'provided that if the office of State Purchasing Agent shall hereafter be created, he shall make such purchase under the terms of the law.'"

Adopted.

Pending action on engrossment,

On motion of Senator Turney, further consideration of the bill was postponed till Tuesday of next week.

**BILL SIGNED.**

The Chair gave notice of signing, and

did sign, in the presence of the Senate, after its caption had been read.

Senate bill No. 193, "An Act to authorize the St. Louis Southwestern Railway Company of Texas to purchase, own and operate a railway extending from a point in or near the town of Tyler, in Smith county, to a point in or near the town of Luifkin, in Angelina county, with its franchises and appurtenances, known as the Tyler Southeastern Railway, and to authorize the Tyler Southeastern Railway Company, and the owners thereof to sell the same, and to authorize a corresponding increase in the authorized aggregate of the bonds and stock of the St. Louis Southwestern Railway Company of Texas, and to regulate reports of such properties, and the operations thereof."

On motion of Senator Davidson, the pending business was suspended to take up, on second reading,

Senate bill No. 133, A bill to be entitled "An Act to prescribe the time of holding the terms of the district court in the Thirty-sixth Judicial District of the State of Texas, and to repeal all laws or parts of laws in conflict with this act."

The bill was read a second time.

Senator Davidson offered a substitute for the bill as follows:

Substitute for Senate bill No. 133, by Davidson:

A bill to be entitled "An Act to prescribe the time of holding the terms of the district court in the Thirty-sixth Judicial District of the State of Texas, and to repeal all laws and parts of laws in conflict herewith."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the terms of the district court of the Thirty-sixth Judicial District, comprising the counties of Aransas, San Patricio, Live Oak, McMullen, Atascosa, Frio, LaSalle, Zavala and Dimmit, shall after the first day of August, A. D. 1899, be held as follows:

In the county of Zavala on the fourth Monday in August and second Monday in February, and may continue in session one week.

In the county of Dimmit on the first Monday after the fourth Monday in August and first Monday after the second Monday in February, and may continue in session one week.

In the county of LaSalle on the second Monday after the fourth Monday in August and second Monday after the second Monday in February, and may continue in session two weeks.

In the county of McMullen on the fourth Monday after the fourth Monday in August and the fourth Monday after

the second Monday in February, and may continue in session one week.

In the county of Atascosa on the fifth Monday after the fourth Monday in August and fifth Monday after the second Monday in February, and may continue in session three weeks.

In the county of Live Oak on the eighth Monday after the fourth Monday in August and eighth Monday after the second Monday in February, and may continue in session two weeks.

In the county of Aransas on the tenth Monday after the fourth Monday in August and tenth Monday after the second Monday in February, and may continue in session two weeks.

In the county of San Patricio on the twelfth Monday after the fourth Monday in August, and twelfth Monday after the second Monday in February, and may continue in session two weeks.

In the county of Frio on the fourteenth Monday after the fourth Monday in August and the fourteenth Monday after the second Monday in February, and may continue in session until the business is disposed of.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

The substitute was adopted.

The bill as substituted was ordered engrossed.

(Lieutenant-Governor Browning in the Chair.)

On motion of Senator Potter the pending business was suspended to take up, on second reading,

Senate bill No. 157, A bill to be entitled "An Act authorizing county judges to issue writs of attachment for the detention and return of minors who have gone beyond the control of their guardians."

The bill was read a second time.

By Senator Potter:

"Amend by adding Section 2:

"Section 2. The crowded condition of the calendar and the near approach of the end of the session, together with the importance of this act, creates an imperative public necessity and emergency for the suspension of the constitutional rule requiring bills to be read on three several days, said rule is suspended, and this act shall take effect from and after its passage, and it is so enacted.'"

Adopted.

By Senator McGee:

"Amend by inserting the word 'unlawfully' after the word 'or,' in line 13, page 1."

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Potter, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—24.

Burns.	Neal.
Davidson.	Odell.
Dibrell.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Kerr.	Turney.
Lewis.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.

Nays—1.

McGee.

Absent.

Atlee.	Miller.
Johnson.	Stone.

Absent—Excused.

Goss.	Morriss.
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The bill was read a third time, and passed by the following vote:

Yeas—26.

Atlee.	Miller.
Burns.	Neal.
Davidson.	Odell.
Dibrell.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Kerr.	Turney.
Lewis.	Wayland.
Linn.	Yantis.
McGee.	Yett.

Nays—1.

Lloyd.

Absent.

Johnson.	Stone.
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Absent—Excused.

Goss.	Morriss.
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#### INVITATION.

At the direction of the Chair the following was read:

Fort Worth, Texas, March 7, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

DEAR SIR: The Cattle Raisers Association of Texas will hold its Twenty-third annual meeting in Fort Worth on March 14th and 15th. This association, unlike various organizations in the

United States, is not a chartered institution, and has none of the elements of a combine or trust, but is purely a mutual, industrial organization, whose basis and contiguity rests alone upon the conscience and integrity of its members.

It has now a membership of more than 1200, and these members own more than two million head of cattle. Its purposes and its labors are for the protection, promotion and advancement of the cattle industry of the State of Texas, and its benefits accrue to every owner of live stock in this State, whether he be large or small in his holdings.

I desire through this medium to extend to you personally and through you to the honorable members of the Senate of the State of Texas a most cordial invitation to visit us during our meeting, believing that nothing conduces more to a proper understanding of the needs of an interest and considerate legislation in their behalf than a personal acquaintance and association between those interested in such industry and their representatives in the Legislature. Hoping that you and the members of the Senate may find it practicable to accept this invitation, I remain,

Yours truly,  
A. P. BUSH, JR.,  
President.

On motion of Senator Turney, the pending business was suspended to take up, on third reading,

Substitute Senate bill No. 71, A bill to be entitled "An Act to amend Article 1011, of the Revised Civil Statutes of Texas, relating to compensation for clerks of the several courts of civil appeals, fixing their fees and charges, providing for reports, and fixing penalties for their failure to make same."

The bill was read a third time, and passed by the following vote:

Yeas—25.

Atlee.	Neal.
Burns.	Odell.
Davidson.	Patterson.
Dibrell.	Potter.
Gough.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Terrell.
James.	Turney.
Lewis.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.
Miller.	

Nays—1.

McGee.

Absent.

Johnson.  
Kerr.

Stone.

Absent—Excused.

Goss.

Morriss.

On motion of Senator Grinnan, the pending business was suspended to take up, on second reading,

Senate bill No. 170, A bill to be entitled "An Act relating to county, city and town bonds, to provide for refunding, paying and exchanging the same, to issue new bonds for such purposes, and to regulate the sale or exchange thereof."

The bill was read a second time, and ordered engrossed.

On motion of Senator Grinnan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—25.

Atlee.	Miller.
Burns.	Neal.
Davidson.	Patterson.
Dibrell.	Potter.
Gough.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Terrell.
James.	Turney.
Kerr.	Wayland.
Lewis.	Yantis.
Linn.	Yett.
Lloyd.	

Nays—1.

McGee.

Absent.

Johnson.  
Odell.

Stone.

Absent—Excused.

Goss.

Morriss.

The bill was read a third time, and passed by the following vote:

Yeas—26.

Atlee.	Miller.
Burns.	Neal.
Davidson.	Odell.
Dibrell.	Patterson.
Greer.	Potter.
Grinnan.	Ross.
Hanger.	Sebastian.
James.	Stafford.
Kerr.	Terrell.
Lewis.	Turney.
Linn.	Wayland.
Lloyd.	Yantis.
McGee.	Yett.

Absent.

Johnson.

Stone.

Absent—Excused.

Morriss.

Goss.

On motion of Senator Ross, the pending business was suspended to take up, on third reading,

Senate bill No. 214, A bill to be entitled "An Act to authorize the lease of any railroad connecting at the State line not exceeding thirty miles in length by any railroad company so connecting with same."

The bill was read a third time, and passed by the following vote:

Yeas—19.

Atlee.	Miller.
Burns.	Neal.
Dibrell.	Patterson.
Gough.	Ross.
Grinnan.	Sebastian.
Hanger.	Turney.
James.	Wayland.
Kerr.	Yantis.
Lewis.	Yett.
Linn.	

Nays—6.

Davidson.	McGee.
Greer.	Potter.
Lloyd.	Terrell.

Absent.

Johnson.	Stone.
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Absent—Excused.

Morriss.	Goss.
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PAIRED.

Senator Odell, present, who would vote *yea*, with Senator Morriss, absent, who would vote *nay*.

Senator Lewis moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

On motion of Senator Miller the pending business was suspended to take up, on second reading,

Senate bill No. 215, A bill to be entitled "An Act defining the offense of defrauding hotel and boarding house keepers of their charges, and providing a penalty therefor."

The bill was read a second time (in full at request of Senator Turney), and ordered engrossed by the following vote:

Yeas—20.

Atlee.	Kerr.
Burns.	Lewis.
Davidson.	Lloyd.
Dibrell.	McGee.
Gough.	Miller.
Grinnan.	Neal.
Hanger.	Potter.
James.	Ross.

Sebastian.	Wayland.
Terrell.	Yett.

Nays—4.

Greer.	Turney.
Patterson.	Yantis.

Present—Not voting.

Odell.

Absent.

Johnson.	Stafford.
Linn.	Stone.

Absent—Excused.

Goss.	Morriss.
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On motion of Senator Hanger the pending business was suspended to take up, on second reading,

Senate bill No. 209, A bill to be entitled "An Act to amend Article 5060g, of Chapter 1A, of Title CIV, of the Revised Civil Statutes, relating to the regulation of the sale of liquors."

Bill read second time.

By Senator Hanger:

"Amend by striking out the word 'knowingly' in line 6, on page 2."

Adopted.

By Senator McGee:

"Amend by striking out the word 'knowingly' in lines 27 and 28, page 1, also by striking out the word 'knowingly' in line 29, page 1."

Lost.

The bill as amended was ordered engrossed.

On motion of Senator Hanger, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—20.

Atlee.	Miller.
Burns.	Neal.
Davidson.	Odell.
Dibrell.	Potter.
Gough.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Wayland.
Kerr.	Yantis.
Lewis.	Yett.

Nays—4.

James.	McGee.
Lloyd.	Patterson.

Absent.

Johnson.	Terrell.
Linn.	Turney.
Stone.	

Absent—Excused.

Goss.	Morriss.
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The bill was read a third time, and passed by the following vote:

Yeas—19.

Burns.	Miller.
Davidson.	Neal.
Dibrell.	Odell.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
Johnson.	Wayland.
Kerr.	Yantis.
Lewis.	

Nays—5.

James.	Terrell.
Lloyd.	Yett.
McGee.	

Absent.

Atlee.	Stone.
Linn.	Turney.
Patterson.	

Absent—Excused.

Goss.	Morriss.
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On motion of Senator Gough the pending business was suspended to take up, on third reading,

Senate bill No. 145, A bill to be entitled "An Act to provide for the establishment, maintenance and government of a State normal school to be located at Denton, Texas, and to be known as the North Texas Normal School."

The bill was read a third time, and passed.

Senator Gough moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

#### PENDING BUSINESS.

The Senate then resumed consideration of pending business, to-wit:

Senate bill No. 213, A bill to be entitled "An Act to appropriate the sum of two thousand dollars, or so much thereof as may be necessary, for the payment of the bonds, certificates, and other evidences of indebtedness against the Republic of Texas that were valid claims, or might have been, upon proper presentation and proof, valid claims against the United States government under the Act of Congress, approved February 28, 1855, and an Act of the Legislature of the State of Texas, approved February 1, 1856, and to provide for the proof and verification of the same," action being on the following amendment and substitute therefor, to-wit:

By Senator Greer:

"Amend the caption, line 6, page 1, by striking out the words 'two thousand'

and insert in lieu thereof 'twenty-five hundred,' and amend further, line 14, page 1, by striking out 'two thousand' where it occurs and insert 'two thousand five hundred,' and strike out the figures '\$2000.00,' same line, and insert in lieu thereof '\$2500.00.'"

By Senator Odell:

Substitute the amendment as follows:

"Amend by striking out '\$2000,' where it occurs in Section 1, line 14, and inserting '\$56,113.27,' and by striking out '\$2000' in line 6, page 1, and inserting in lieu thereof '\$56,113.27.'"

The substitute amendment was lost by the following vote:

Yeas—10.

Burns.	McGee.
Gough.	Miller.
Hanger.	Neal.
Johnson.	Odell.
Kerr.	Yantis.

Nays—14.

Davidson.	Potter.
Dibrell.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
James.	Turney.
Lewis.	Wayland.
Lloyd.	Yett.

Absent.

Atlee.	Stone.
Linn.	Terrell.
Patterson.	

Absent—Excused.

Goss.	Morriss.
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The amendment (Greer's) was adopted.

By Senators Odell and Hanger:

"Amend by adding to Section 1 the following: 'And provided, *that the State shall not hereafter pay to any attorney or attorneys any sum of money whatsoever as a fee for recovering said sum of money herein appropriated from the Federal government.*'"

Senator Greer made the point of order that the amendment was *not germane to the bill*.

Not sustained.

Pending discussion by Senator Odell,

On motion of Senator Atlee the Senate adjourned until 3 p. m. today.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the fol-

lowing Senators answering to their names:

Atlee.	McGee.
Burns.	Miller.
Davidson.	Odell.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Johnson.	Turney.
Lewis.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.

Absent.

Dibrell.	Patterson.
Kerr.	Stone.
Neal.	

Absent—Excused.

Goss.	Morriss.
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#### COMMITTEE REPORTS.

The following privileged committee reports were made:

Committee Room,  
Austin, Texas, March 1, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 51, being a bill to be entitled "An Act to repeal Article 5031, Revised Statutes of Texas, and Articles 932 and 933, of the Penal Code of the State of Texas, and to amend Article 4921, Revised Statutes of Texas, relating to the use of marks and brands of live stock,"

And find the same correctly engrossed.  
JAMES, Chairman.

Committee Room,  
Austin, Texas, March 1, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 138, being a bill to be entitled "An Act to amend Article 1020, Title XXVII, Chapter 16, of the Revised Civil Statutes of the State of Texas, adopted in 1895, relating to the manner of giving notice of motions by the Court of Civil Appeals, and to repeal all laws and rules in conflict herewith,"

And find the same correctly engrossed.  
JAMES, Chairman.

Committee Room,  
Austin, Texas, Feb. 22, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 92, being a bill to be entitled "An Act to amend Article 3893, Chapter 6, Title LXXXVI, of the Revised Civil Statutes of the State of Texas, 1895, relating to the investment of the permanent school fund of the State of Texas in county bonds,"

And find the same correctly engrossed.  
JAMES, Chairman.

Committee Room,  
Austin, Texas, March 7, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 34, being a bill to be entitled "An Act to require city and county treasurers to report condition of interest and sinking fund to the State Comptroller; to prohibit them from diverting said funds, and providing penalties,"

And find the same correctly enrolled, and have this day, at 10:10 a. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,  
Austin, Texas, March 3, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 67, being a bill to be entitled "An Act to amend Article 5058, of the Revised Civil Statutes of 1895, of the State of Texas, as passed in 1891, relating to the duties of revenue agents,"

And find the same correctly enrolled, and have this day, at 10:10 a. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,  
Austin, Texas, March 7, 1899.

*To Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 47, being a bill to be entitled "An Act to create and maintain



a more efficient public road system for Cass county,"

And find the same correctly enrolled, and have this day, at 10:10 a. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,  
Austin, Texas, March 7, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 114, being a bill to be entitled "An Act to amend Articles 3862, 3863 and 3866, Revised Civil Statutes, relating to the government of the Agricultural and Mechanical College of Texas,"

And find the same correctly enrolled, and have this day, at 10:10 a. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,  
Austin, Texas, March 7, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 31, being a bill to be entitled "An Act to provide a final method of publishing notices and reports required by law to be published by commissioners courts of the various counties of the State, to be effective in all cases where said courts are unable to secure publication thereof in the manner and for the price now provided by law therefor,"

And find the same correctly enrolled, and have this day, at 10:10 a. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,  
Austin, Texas, March 8, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 154, being a bill to be entitled "An Act to authorize the Missouri, Kansas & Texas Railway Company of Texas to acquire by purchase or lease the railroad of the Sherman, Shreveport & Southern Railway Company, extending from the city of McKinney, in Collin county, to the city of Jefferson, in Marion county, and any extension thereof from said city of Jefferson to the eastern

line of Texas, in the direction of Shreveport, Louisiana, together with the property and franchises pertaining thereto, and to own, operate and maintain the same as part of its line, with the rights to extend the same and construct branches therefrom, by amendment of its charter, under the General Laws of the State of Texas, and investing said companies, and each of them, with the power to make and execute all necessary contracts, agreements and conveyances to effect such sale or lease; also to authorize the said The Sherman, Shreveport & Southern Railway Company before such sale or lease, or the said The Missouri, Kansas & Texas Railway Company of Texas after such sale or lease, when the said railway, so to be purchased or leased, has been extended from the city of Jefferson to the eastern line of the State of Texas, in the direction of Shreveport, Louisiana, to connect with any railway extending to said city of Shreveport, and to acquire from the owner or owners of such line of railway in the State of Louisiana, by lease, trackage or running rights agreement, the use of such line to the said city of Shreveport; and further, to authorize the said The Sherman, Shreveport & Southern Railway Company before such sale or lease or the said The Missouri, Kansas & Texas Railway Company of Texas after such sale or lease, to acquire necessary terminal facilities in the said city of Shreveport,"

And find the same correctly enrolled, and have this day, at 10:10 a. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

#### REGULAR ORDER.

The regular order for this hour being the consideration of House bills, as per resolution previously adopted by unanimous consent, Senator Odell concluded his argument, speaking to his amendment to Senate bill No. 213 (see Journal of morning session), at the conclusion of which the Senate took up the regular order.

The Chair laid before the Senate, on third reading,

House bill No. 133, A bill to be entitled "An Act to amend Section 12, of Article 22, Title IV, of the Revised Civil Statutes of the State of Texas, changing the time of holding District Court in Trinity county."

The bill was read a third time, and passed.

Senator Lloyd moved to reconsider the vote by which the bill was passed, and moved to lay that motion on the table.

Tabled.

The Chair laid before the Senate, on third reading,

House bill No. 146, A bill to be entitled "An Act to fix a time for holding the courts in the Forty-sixth Judicial District, and to repeal all laws in conflict therewith."

The bill was read a third time, and passed by the following vote:

Yeas—25.

Atlee.	McGee.
Burns.	Miller.
Davidson.	Odell.
Dibrell.	Potter.
Gough.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Terrell.
James.	Turney.
Kerr.	Wayland.
Lewis.	Yantis.
Linn.	Yett.
Lloyd.	

Absent.

Johnson.	Patterson.
Neal.	Stone.

Absent—Excused.

Goss.	Morriss.
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The Chair laid before the Senate, on third reading,

House bill No. 167, A bill to be entitled "An Act to change the times of holding courts in the Fifty-fourth Judicial District."

The bill was read a third time, and passed by the following vote:

Yeas—25.

Atlee.	McGee.
Burns.	Miller.
Davidson.	Odell.
Dibrell.	Potter.
Gough.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Terrell.
James.	Turney.
Kerr.	Wayland.
Lewis.	Yantis.
Linn.	Yett.
Lloyd.	

Absent.

Johnson.	Patterson.
Neal.	Stone.

Absent—Excused.

Goss.	Morriss.
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Senator Yantis moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

The Chair laid before the Senate, on third reading,

House bill No. 338, A bill to be entitled "An Act to create a more efficient road system for Robertson county, Texas, and making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers and defining their duties, and for working of county convicts upon the public roads of said county, and providing for officers' fees and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public road, and to provide for the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for a violation of this act, and to repeal all laws in conflict with this act."

The bill was read a third time, and passed.

The Chair laid before the Senate, on second reading,

Substitute House bill No. 43, A bill to be entitled "An Act making appropriations for deficiencies in the appropriations heretofore made for the payment of expenses in support of the State government from March 1, 1895, to February 28, 1899; being for claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and for other deficiencies."

The bill was read a second time with committee amendments.

Committee amendments adopted.

By Senator Hanger:

"Amend by adding to Section 1, 'the further sum of twelve hundred dollars is hereby appropriated to pay the stenographer of the Court of Civil Appeals of the Second Supreme Judicial District, the same being the difference in salaries provided for by law, and the appropriations actually made for two years previous to February 28, 1899.'"

By Senator Potter:

"Substitute the amendment as follows: Strike out the entire clause relating to extra pay for stenographers."

Adopted.

The amendment as substituted was adopted.

By Senator Turney:

"Amend bill by striking out line 32, page 3, and lines 1, 2, 3 and 4, page 4."

Adopted by the following vote:

Yeas—15.

Davidson.	Grinnan.
Gough.	Hanger.

James.	Sebastian.
Kerr.	Terrell.
Lloyd.	Turney.
McGee.	Yantis.
Odell.	Yett.
Potter.	

Nays—8.

Atlee.	Lewis.
Burns.	Linn.
Dibrell.	Ross.
Greer.	Wayland.

Absent.

Johnson.	Patterson.
Miller.	Stafford.
Neal.	Stone.

Absent—Excused.

Goss.	Morriss.
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Senator Potter moved to reconsider the vote by which the committee amendments were adopted.

Reconsidered.

(Senator Lewis in the Chair.)

The committee amendments were as follows:

Amend by adding after the word "attorneys," under the head of "pay of special judges," the words "and pay of special judges of the courts of civil appeals."

Amend appropriation for maintenance of House of Correction and Reformatory by striking out "\$1677.17" and inserting in lieu thereof "939.73."

Amend appropriations by adding the following for Department of State for year ending February 28, 1899:

1. To Eugene Von Boeckmann Publishing Co., for stationery, printing, book, files, etc., duly sworn to and approved by the Expert Printer and Printing Board, now in the hands of D. H. Hardy, Secretary of State, amount to .....\$ 72 70

2. To George P. Assman for repairing, cleaning and changing combinations and locks, and repairing on furniture in Department of State, duly sworn to and approved by Expert Printer and Printing Board, amount to ..... 7 00

3. Corner's Book Store for repairing typewriter, duly proven and certified to as other bills ..... 3 75

4. To Hamilton Jones for washing for the months of December, 1898, January and February, 1899, duly proven..... 2 35

5. To the Austin Book and Stationery Company for repairing one typewriter, duly proven and approved, as aforesaid.... 2 50

6. To two volumes Sayles' Anno-

tated Statutes, duly proven and approved, as aforesaid..... 12 00

7. To repairing clocks in office, duly proven and approved.... 2 75

8. To drayage and carrying of mail from office of Secretary of State to postoffice..... 1 50

Total .....\$104 45

Amend appropriations by adding the following: "For pay of stenographer of the supreme court, balance due from 1896, 1897 and 1898, to W. S. Gabriel, \$1437.00."

Amend appropriations by adding the following: "For pay of fees in felony cases decided at Dallas term, 1899, \$290.00."

Pending action on the adoption of the above, Senator Potter offered to amend as follows:

"Amend the committee amendment by striking out all of lines 27 to 30, on page 5, of printed bill."

Adopted by the following vote:

Yeas—15.

Davidson.	Miller.
Dibrell.	Odell.
Gough.	Potter.
Grinnan.	Sebastian.
James.	Stafford.
Kerr.	Terrell.
Lloyd.	Turney.
McGee.	

Nays—8.

Atlee.	Johnson.
Burns.	Lewis.
Greer.	Ross.
Hanger.	Wayland.

Absent.

Linn.	Stone.
Neal.	Yantis.
Patterson.	Yett.

Absent—Excused.

Goss.	Morriss.
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The committee amendments as amended were then adopted.

The bill as amended was passed to a third reading.

On motion of Senator Dibrell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—22.

Atlee.	James.
Burns.	Kerr.
Dibrell.	Lewis.
Gough.	Linn.
Greer.	Lloyd.
Grinnan.	McGee.
Hanger.	Odell.

Potter.	Terrell.
Ross.	Turney.
Sebastian.	Wayland.
Stafford.	Yett.

Absent.

Johnson.	Patterson.
Miller.	Stone.
Neal.	Yantis.

Absent—Excused.

Goss.	Morriss.
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The bill was then read a third time, and passed by the following vote:

Yeas—22.

Atlee.	McGee.
Davidson.	Miller.
Dibrell.	Odell.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Kerr.	Turney.
Lewis.	Yantis.
Linn.	Yett.
Lloyd.	

Nays—1.

Burns.

Absent.

Johnson.	Stone.
Neal.	Wayland.
Patterson.	

Absent—Excused.

Goss.	Morriss.
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Senator Kerr moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

The Chair laid before the Senate, on second reading,

Senate Substitute House bill No. 176, A bill to be entitled "An Act to regulate the terms and fix the times for holding the district courts in the Twenty-third Judicial District of Texas, and to repeal all laws and parts of laws in conflict with this act."

The bill was read a second time, with Senate committee substitute therefor (see committee report, Senate Journal of March 7th).

The Senate committee substitute bill was read (in full at the request of Senator Kerr), and adopted.

By Senator Burns:

"Amend by adding Section 3:

"Section 3. That the crowded condition of the docket of the Twenty-third Judicial District, and the inaccessibility to the county seats of the counties in said district, whereby great delay, hardship and expense are entailed upon the

litigants and tax-payers of said district, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted."

Adopted.

The bill as amended was passed to a third reading.

(Lieutenant-Governor Browning in the chair.)

Pending further action on the bill, Senator Linn moved to postpone further consideration until tomorrow after call.

Lost.

On motion of Senator Burns, the bill was laid on the table subject to call.

The Chair laid before the Senate, on second reading,

House bill No. 649, A bill to be entitled "An Act to amend Subdivision 29, of Article 22, Title IV, of the Revised Civil Statutes of the State of Texas, so as to change the times of holding the district court in the Twenty-ninth Judicial District, except in Coryell county, and to extend the time of holding the court in the county of Erath."

The bill was read a second time, and passed to a third reading.

On motion of Senator Grinnan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—24.

Atlee.	Lloyd.
Burns.	McGee.
Davidson.	Miller.
Dibrell.	Odell.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Terrell.
James.	Turney.
Kerr.	Wayland.
Lewis.	Yantis.
Linn.	Yett.

Absent.

Johnson.	Stafford.
Neal.	Stone.
Patterson.	

Absent—Excused.

Goss.	Morriss.
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The bill was read a third time, and passed by the following vote:

Yeas—24.

Atlee.	Dibrell.
Burns.	Gough.
Davidson.	Greer.

Grinnan.	Odell.
Hanger.	Potter.
James.	Ross.
Kerr.	Sebastian.
Lewis.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.
Miller.	Yett.

Absent.

Johnson.	Stafford.
Neal.	Stone.
Patterson.	

Absent—Excused.

Goss.	Morriss.
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Senator Grinnan moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.  
Tabled.

## PENDING BUSINESS.

Action recurring to pending business, the Chair laid before the Senate,

Senate bill No. 213, A bill to be entitled "An Act to appropriate the sum of two thousand dollars, or so much thereof as may be necessary, for the payment of the bonds, certificates, and other evidences of indebtedness against the Republic of Texas that were valid claims, or might have been, upon proper presentation and proof, valid claims against the United States government under the Act of Congress, approved February 28, 1855, and an Act of the Legislature of the State of Texas, approved February 1, 1856, and to provide for the proof and verification of the same," the question being on the adoption of the pending amendment of Senators Odell and Hanger, to wit:

"Amend by adding to Section 1 the following: 'And provided, that the State shall not hereafter pay to any attorney or attorneys any sum of money whatsoever as a fee for recovering said sum of money herein appropriated from the Federal government.'"

Pending action, Senator Greer renewed his point of order that the amendment was not germane to the bill.

After discussion, the Chair adhered to his former ruling (overruling the point of order).

Senator Greer appealed from the ruling of the Chair.

The question was "Shall the Chair be sustained?"

The Senate refused to sustain the Chair by the following vote:

Yeas—12.

Burns.	Johnson.
Gough.	Kerr.
Hanger.	Lloyd.

McGee.	Patterson.
Miller.	Turney.
Odell.	Yantis.

Nays—15.

Atlee.	Potter.
Davidson.	Ross.
Dibrell.	Sebastian.
Greer.	Stafford.
Grinnan.	Terrell.
James.	Wayland.
Lewis.	Yett.
Linn.	

Absent.

Neal.	Stone.
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Absent—Excused.

Goss.	Morriss.
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The amendment was then ruled out of order.

Pending further action, the following

## RESOLUTION OF RESPECT

was offered by Senator Yantis:

Whereas, The Senate has learned with sincere regret of the death of Col. J. C. Gaither of Falls county; and

Whereas, He rendered faithful service to his country as a soldier, and represented ably the welfare of Texas in its constitutional conventions and its Legislature, and was a distinguished and honored citizen; be it therefore

Resolved, That we extend our deepest sympathy to his bereaved relatives in this hour of sad affliction.

Be it further resolved, That a copy of these resolutions properly engrossed and signed, be transmitted to the bereaved family, and that when the Senate adjourns today that it adjourn out of respect to the memory of Col. J. C. Gaither.

Adopted.

## PRIVILEGED COMMITTEE REPORT.

The following privileged committee report was made:

Austin, Texas, March 9, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: As members of the committee sent to Gatesville to investigate the condition and management of the House of Correction and Reformatory at that place, we beg leave to file the following supplementary report, and say that since printing the testimony in the Journal, we find that the original report stated that "State teams" were used on the farm rented by C. A. Rogers in 1896. This is an error, as the printed testimony shows that the "State teams" were used on Capt. McGuire's farm, and not on the place rented by the said Rogers, and we

desire to say that the books showed that \$797.40 was paid in corn, cotton, cotton seed and money to the Reformatory by Mr. C. A. Rogers.

Respectfully submitted,  
DAVIDSON,  
WAYLAND.

On motion of Senator Burns, the Senate adjourned until 10 a. m. tomorrow.

#### FORTY-THIRD DAY.

Senate Chamber,  
Austin, Texas, Friday, March 10, 1899.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the Chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Miller.
Burns.	Neal.
Davidson.	Odell.
Gough.	Patterson.
Greer.	Potter.
Grinnan.	Ross.
Hanger.	Sebastian.
James.	Stafford.
Johnson.	Terrell.
Kerr.	Turney.
Lewis.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.
McGee.	

Absent.

Dibrell. Stone.

Absent—Excused.

Goss. Morriss.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Yett, the same was dispensed with.

#### PETITIONS AND MEMORIALS.

By Senator Lloyd:

Petition from citizens of the town of Jacksonville to the Legislature to abolish the charter and corporation of said town.

Read, and referred to Committee on Towns and City Corporations.

By Senator Potter:

Petition of engineers and firemen, relating to legislation to protect their interests.

Read, and referred to the Committee on Labor.

By Senator Potter:

Petition of citizens of Gainesville in reference to tax on peddlers.

Read, and referred to the Committee on Finance.

#### COMMITTEE REPORT.

Committee Room,  
Austin, Texas, March 8, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 222, being a bill to be entitled "An Act to authorize the Governor and Commissioner of the General Land Office to appoint not more than two agents for the public school lands of this State, to investigate and report upon the location, condition, use or occupancy of the unsold and unleased public school lands of this State, reporting the same to the Governor and said Commissioner,"

And find the same correctly engrossed.  
JAMES, Chairman.

#### BILLS AND RESOLUTIONS.

By Senator Linn:

Senate bill No. 238, A bill to be entitled "An Act to amend Chapter 4, Title XVIII, of the Revised Civil Statutes of the State of Texas of 1895, by adding after Article 418, Article 418a, empowering cities and towns incorporated under the general law and by special charter to condemn private property for use in laying water pipes and mains, establishment of public wells, pumps and pumping stations and reservoirs, providing a method of such condemnation, and declaring an emergency."

Read first time, and referred to the Committee on Towns and City Corporations.

By Senator Miller:

Senate bill No. 239, A bill to be entitled "An Act to amend Chapter 21, Title XXX, of the Revised Civil Statutes of the State of Texas of 1895, relating to receivers, by adding thereto Article 1481a."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Turney:

Senate bill No. 240, A bill to be entitled "An Act to authorize admission to record and evidence in the courts of this State of duly certified copies of all deeds and other instruments of conveyances of land which have been duly registered or recorded in other States, or in the Republic of Mexico, but which the laws of such States or country require to be retained in the deed or notarial archives of such